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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,896	08/22/2001	Philip C. Nestoryak	END920010006US1	8177
23550	7590	11/04/2005	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC			VO, TED T	
75 STATE STREET			ART UNIT	
14TH FL			PAPER NUMBER	
ALBANY, NY 12207			2191	

DATE MAILED: 11/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,896

Applicant(s)

NESTORYAK, PHILIP C.

Examiner

Ted T. Vo

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/12/05 and RCE on 8/11/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/22/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to the amendment filed on 07/12/05 as per RCE on 08/11/2005.  
Claims 1-35 remain pending in the application.

***Claim Objections***

2. Claim 1 is objected to. At line 2 of Claim 1 after "following steps", it ends with a period. The semicolon is used instead. Correction is required.  
Claims 9 and 14 are identified with the amended status, "Currently Amended", but no new limitation amended in the Claims.

***Response to Amendment***

3. Applicants' amendment and arguments have been fully considered. The arguments to the claims 1-35 in the Remarks section p. 11-17 filed on 07/12/05 are moot because of new ground of rejection provided in this action.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hohndel et al, "Automated Installation of Linux Systems Using YAST", 1999.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Hohndel discloses,

Given the broadest reasonable interpretation of followed claims in light of the specification:

As per Claim 1: Hohndel discloses,

*A method for loading a software platform onto a computer system (See Title), comprising the following steps.*

*providing a control file having entries of computer system identifiers system identifiers*

*designating, by a user, a computer system and a software platform to be installed on the designated computer system using an interface (See Title); and*

*querying the control file to identify an entry having computer system identifiers that pertain to the designated computer system (See p. 262, right col., paragraph 6, "now the control file...", see 263, section IP Definition and Installation Source).*

As per Claim 2: Hohndel discloses, *The method of claim 1, further comprising the subsequent steps of: creating a boot disk; and loading the designated software platform onto the designated computer system using the boot disk (See p.262, text under "Changes To Be Done On The Boot Disk").*

As per Claim 3: Hohndel discloses, *The method of claim 1, wherein the designating step comprises the steps of: entering particular computer system identifiers into the interface; and selecting a particular software platform using the interface (See p.262, text under "Changes To Be Done On The Boot Disk": In this reference the selected software platform is "Linux").*

As per Claim 4: Hohndel discloses, *The method of claim 3, wherein the entering step comprises the steps of: entering a particular computer model identifier into the interface; and entering a particular computer submodel identifier into the interface (See whole p.263).*

Art Unit: 2191

As per Claim 5: Hohndel discloses, *The method of claim 1, wherein the entries in the control file further comprise support data* (See whole p.263: Examiner note: limitation recites only mere data in a file).

As per Claim 6: Hohndel discloses, *The method of claim 5, wherein the support data comprises licensing data and technical data* (See whole p.263: Examiner note: limitation recites only mere data in a file).

As per Claim 7: Hohndel discloses, *The method of claim 5, further comprising the step of displaying the support data from the identified entry* (All configuration data shown in p. 262-263 present means for displaying. Furthermore see "Linux": It should be note that all Windows has means for displaying).

As per Claim 8: Hohndel discloses, *The method of claim 7, wherein the designated software platform is installed onto the computer system based upon the support data* (See whole p.263: see title).

As per Claim 9: Hohndel discloses,

*A method for installing a software platform onto a computer system, comprising the following steps: providing a control file having entries, wherein each entry comprises computer system identifiers and support data* (See 263, the control file in left col.);

*entering particular computer system identifiers into an interface* (See 263, the settings);

*selecting a particular software platform using the interface* (in the reference:Linux);

*querying the control file to identify an entry having computer system identifiers that match the entered computer system identifiers* (See p. 262, right col., paragraph 6; see 263, section IP Definition and Installation Source) ; and

*installing the selected software platform onto a computer system having the entered computer system identifiers* (refer the term "Installation of Linux").

As per Claim 10: Hohndel discloses, *The method of claim 9, further comprising the step of displaying the support data corresponding to the identified entry* (See p.263. the content in the control file: e.g. displaying).

As per Claim 11: Hohndel discloses, *The method of claim 10, wherein the software platform is installed based upon the displayed support data* (In this case: refer the term "Installation of Linux").

As per Claim 12: Hohndel discloses, *The method of claim 9, wherein the support data comprises licensing data and technical data* (See p.263, the content in the control file).

Art Unit: 2191

As per Claim 13: Hohndel discloses, *The method of claim 9, wherein the computer system identifiers comprise a computer model identifier and a computer sub model identifier (See p.263, the content in the control file includes the settings such as AUTO\_NET, AUTO NAMESERVER, AUTO\_NAME, etc.).*

As per Claim 14: Hohndel discloses,

*A method for installing a software platform onto a computer system, comprising the following steps:*

*entering, by a user, a particular computer model identifier and a particular computer submodel identifier into an interface (See p. 263, the control file appeared in a text file);*

*Selecting, by a user, a particular software platform using the interface (See p. 263, the control file writable/modifiable, a user can enter anything);*

*locating a control file having entries, wherein each entry comprises computer model identifiers, computer submodel identifiers, and support data (See p. 263, the control file includes settings, data, configs);*

*querying the located control file to identify an entry having a computer model identifier and a computer submodel identifier that match the entered computer model identifier and computer submodel identifier*

*(See p. 262, right col., paragraph 6, "now the control file...", see 263, section IP Definition and Installation Source);*

*displaying the support data from the identified entry (See p. 263, information in the control file appeared displayable); and*

*installing the selected software platform onto a computer system having the entered identifiers based upon the displayed support data (in this case, the installation software is Linux, and software platform is Linux system and the installation is based on the control file).*

As per Claim 15: Hohndel discloses, *The method of claim 14, wherein the support data comprises licensing data and technical data (p. 263, see the information in the control file including the settings).*

As per Claim 16: Hohndel discloses,

*A system for installing a software platform onto a computer system, comprising:*

*an interface for entering computer system identifiers and for selecting a software platform (See p.262, YaST, SuSE, guiding a user step to step through the installation);*

Art Unit: 2191

*a query system for querying a control file to identify an entry in the control file having computer system identifiers that match the entered computer system identifiers (See p.263, the information in the control file is identifiable and modifiable); and*

*a boot system for creating a boot disk, based upon the identified entry, for the selected software platform to be installed onto a computer system having the entered computer system identifiers (See p. 262, left col., Linux boot disk that takes the path to the control file included with installation information).*

As per Claim 17: Hohndel discloses, *The system of claim 16, wherein the interface comprises: an entry system for entering computer system identifiers; and a selection system for selecting a software platform (See p. 263, information in control file and settings).*

As per Claim 18: Hohndel discloses, *The system of claim 16, wherein the computer system identifiers comprise a computer model identifier and a computer sub model identifier (See p. 263, information in control file and settings).*

As per Claim 19: Hohndel discloses, *The system of claim 16, wherein the control file comprises entries, and wherein each entry includes computer system identifiers and support data (See p. 263, information in control file and settings).*

As per Claim 20: Hohndel discloses, *The system of claim 19, further comprising a display system for displaying the support data from the identified entry (See p. 263, information in control file and settings are displayable).*

As per Claim 21: Hohndel discloses, *The system of claim 19, wherein the selected software platform is loaded onto the computer system based upon the displayed support data (In this case, refer to installation disclosed in the reference).*

As per Claim 22: Hohndel discloses, *The system of claim 16, wherein the selected software platform is an operating system (In this case, refer to Linux, an operating system).*

As per Claim 23: Hohndel discloses Claim 23 (See Examiner's rationale addressed in Claim 16).

As per Claim 24: Hohndel discloses Claim 24, *wherein the entry system and the selection system comprise an interface (See Examiner's rationale addressed in Claim 17).*

As per Claim 25: Hohndel discloses Claim 25, *wherein the computer system identifiers comprise a computer model identifier and a computer submodel identifier* (See Examiner's rationale addressed in Claim 18).

As per Claim 26: Hohndel discloses Claim 26, *wherein the control file comprises entries, and wherein each entry includes a computer model identifier, a computer submodel identifier, and support data.* (See Examiner's rationale addressed in Claim 19).

As per Claim 27: Hohndel discloses Claim 27, *further comprising a display system for displaying the support data from the identified entry* (See Examiner's rationale addressed in Claim 20).

As per Claim 28: Hohndel discloses Claim 28, *wherein the selected software platform is installed onto the computer system based upon the displayed support data* (See Examiner's rationale addressed in Claim 8).

As per Claim 29: Hohndel discloses Claim 29 (See Examiner's rationale addressed in Claims 16, 20).

As per Claim 30: Hohndel discloses Claim 30 (See Examiner's rationale addressed in Claim 16).

As per Claim 31: Hohndel discloses Claim 31 (See Examiner's rationale addressed in Claim 17).

As per Claim 32: Hohndel discloses Claim 32 (See Examiner's rationale addressed in Claim 18).

As per Claim 33: Hohndel discloses Claim 33 (See Examiner's rationale addressed in Claim 19).

As per Claim 34: Hohndel discloses Claim 34 (See Examiner's rationale addressed in Claim 20).

As per Claim 35: Hohndel discloses Claim 35 (See Examiner's rationale addressed in Claim 16).

### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.



The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo  
Primary Examiner  
Art Unit 2191  
October 21, 2005